

**CIVIL SERVICE COMMISSION MINUTES**  
**October 6, 2010**

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

Francesca Krauel  
W. Dale Bailey  
Bill O'Connor  
A.Y. Casillas  
Rudolf Hradecky

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer  
Thomas J. Harron, Commission Legal Advisor  
Selinda Hurtado-Miller, Reporting

**Approved**  
**Civil Service Commission**  
**November 3, 2010**

**SAN DIEGO COUNTY CIVIL SERVICE COMMISSION  
REGULAR MEETING MINUTES  
OCTOBER 6, 2010**

2:00 p.m.            CLOSED SESSION: Discussion of Personnel Matters  
                         and Pending Litigation

2:30 p.m.            OPEN SESSION: Room 358, 1600 Pacific Highway, San  
                         Diego, California

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<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
5, 6			8, 9, 10

COMMENTS: Motion by O'Connor to approve all items not held for  
discussion; seconded by Casillas. Carried.

**CLOSED SESSION AGENDA  
County Administration Center, Room 400B**

Members of the public may be present at this location to hear the announcement of the closed session agenda. An appellant has the right to have the discussion of his/her item in open session. Notify the Commission Office in writing if you desire the open session discussion. (Notices pursuant to Government Code Sections 54954.2 and 54957(b))

A. Commissioner Krauel: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) **Jessica Zehner**, former Emergency Services Dispatcher, appealing an Order of Termination and Charges from the Sheriff's Department.

**OPEN SESSION AGENDA  
County Administration Center, Room 358**

**MINUTES**

1. Approval of the Minutes of the regular meeting of September 1, 2010.

**Approved.**

## CONFIRMATION OF ASSIGNMENT

2. Commissioner O'Connor: Kay Ryan, Director, Advocacy Center, SEIU Local 221, on behalf of **Ja'net Green**, former Human Services Specialist, appealing a Final Order of Removal and Charges from the Health and Human Services Agency.

**Confirmed.**

3. Commissioner Hradecky: Albert Velasquez, Worksite Organizer, SEIU Local 221, on behalf of **Caesar Cuesta**, Assessment Clerk, appealing a Final Order of Suspension and Charges from the Assessor/Recorder/County Clerk.

**Confirmed.**

4. Commissioner Bailey: Sarah Loud, Worksite Organizer, SEIU Local 221, on behalf of **Terril Shewmaker**, Office Assistant, appealing a Final Order of Suspension and Charges from the Treasurer-Tax Collector.

**Confirmed.**

## DISCIPLINE

### Findings

5. Commissioner Krauel: **Jessica Zehner**, former Emergency Services Dispatcher, appealing an Order of Termination and Charges from the Sheriff's Department.

### FINDINGS AND RECOMMENDATIONS:

The matter of the appeal of Jessica Zehner, (Employee), from a written Order of Termination and Charges terminating her from the class and position of Emergency Services Dispatcher (Class No. 2822) in the Sheriff's Department, (Department), was presented to the Civil Service Commission. The Commission appointed Commissioner Francesca Krauel to hear the appeal and submit findings, conclusions, and recommendations to the Civil Service Commission. Thereafter, the matter was duly noticed and came on for hearing on August 27, 2010.

The causes of discipline were: Cause I You are guilty of Conduct Unbecoming an Employee; Cause II You are guilty of Failure of Good Behavior; Cause III You are guilty of acts which are incompatible with and/or inimical to the public service.

Since Employee knowingly violated the rule against association with a convicted felon and intends to continue this relationship, the level of discipline is appropriate. Based on the findings and conclusions set forth above, I hereby recommend that the Order of Termination be affirmed; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Krauel to approve Findings and Recommendations; seconded by O'Connor. Carried.**

#### **OTHER MATTERS**

##### **Seal Performance Appraisal**

6. Bradley M. Fields, Esq., on behalf of **2010-08**, Deputy Sheriff, requesting the sealing of a performance appraisal covering the period October 12, 2008 through October 11, 2009.

RECOMMENDATION: Deny Request.

Bradley Fields, Esq. addressed the Commission on behalf of 2010-08. Mr. Fields stated that the Sheriff's Department violated numerous provisions to Rule V's very specific process.

The Commission explained that just because a performance appraisal is untimely, it is within the Commission's discretion whether or not it should be sealed. The Commission strongly considers whether or not an employee has been harmed by the delay in process.

Commissioner Krauel admonished the Department for an incorrect statement in its response to the Civil Service Commission, to which Ms. Reiber agreed and apologized on behalf of the Department.

**Motion by Bailey to accept staff recommendation; seconded by Casillas. Carried. Request to Seal Performance Appraisal denied.**

#### **PUBLIC INPUT**

7. Members of the public may address any matter relating to the Civil Service Commission, other than the items that are on this agenda.

**None.**

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## **INFORMATION**

8. Douglas E. Geyman, Esq., on behalf of **Carrie Harris**, former Departmental Human Resources Officer, withdrawal of appeal of Final Order of Suspension and Charges from the County Library. (Commissioner Casillas)

**Withdrawn.**

9. Douglas E. Geyman, Esq., on behalf of **Carrie Harris**, former Departmental Human Resources Officer, withdrawal of appeal of an Order of Termination and Charges from the County Library. (Commissioner Casillas)

**Withdrawn.**

10. **Stephen Jones**, Code Enforcement Officer, withdrawal of appeal of a Final Order of Suspension and Charges from the Department of Planning and Land Use. (Commissioner Hradecky)

**Withdrawn.**

ADJOURNED: 3:02 p.m.

**NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:**

**NOVEMBER 3, 2010**

## **ASSISTANCE FOR THE DISABLED:**

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